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LETTER DATED 25 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the response of the Government of Rwanda to the report of the Secretary-General's Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo (S/1998/581, annex).

The Government of Rwanda was asked by the Secretary-General of the United Nations to issue its preliminary reaction to the report of the Secretary-General's Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo. The response of the Government of Rwanda will be brief for the following reason: the report is incomplete and thus inconclusive, as the Team admits throughout the text. Here are some of the examples, quoted from the report, which clearly illustrate the incomplete nature of the document as pointed out by the Team:

> "Although it was not possible to confirm or disprove most of the allegations that have been made concerning serious violations of human rights and humanitarian law during the period covered by its mandate, the Team was able to reach the conclusions set forth below" (ibid., para. 76).
>
> "The conclusions set forth below clearly demonstrate the need for further investigation and the direction which such investigation should take" (ibid.).

The report is emotive

Out of a total of 98 paragraphs of the substantive report, the report devotes 48 to describing the frustrations of Team members, as if this was part of their terms of reference (see paras. 1, 4, 6, 22-50, 52-62, 67, 74 and 75). Another 11 paragraphs describe the process and procedures (see paras. 2-8 and 67-71). Only three short paragraphs mention the work relating to the results of their work (see paras. 64-66).

It is no surprise, therefore, that the very first conclusion of the report complains of "vexations suffered by the members of the Team and the obstacles"

(S/1998/581, annex, para. 73). These sentiments portray the mood in which the report was prepared.

The report lacks credible testimonies

It is regrettable that, "after the vexations suffered by members of the Team ... from properly fulfilling their mandate" (ibid.), the Team decided to seek out testimonies from the same former Rwanda Government soldiers (ex-FAR), Interahamwe militia and former Zairian soldiers (ex-FAZ) and their political leaders who fled to some of the countries neighbouring the Democratic Republic of the Congo (ibid., paras. 67-71). Yet, it is these same people who are at the root of the tragedies of March 1993 to May 1997. Can you expect any objective testimony from the accused? The killing of innocent citizens in the Central African Republic, as recently reported, is further evidence of the criminality of these very "witnesses".

The report is significantly biased and bent on non-substantive issues of the terms of reference or mandate, as 61.4 per cent of the paragraphs of the report address such issues.

Publication of such an incomplete, biased and totally misleading report does not serve the human rights cause, and would compromise the possibility of getting to the truth as to what happened.

It is regrettable that there has been intensive and selective sensitization and lobbying of some Member States about the report before its publication. This is highly inappropriate, as any action that seeks to influence Member States contradicts the Charter requirement of the neutrality of the Secretariat, and is a total breach of confidentiality.

The Government of Rwanda categorically denies and resents the insinuation in the report that Rwandan Government soldiers committed any human rights violations against a section of its own people or anyone else, in the then Zaire.

The record of the Government of Rwanda is clear. The Rwandan refugees in the then Zaire had been held hostage by the ex-FAR, Interahamwe militia and the FAZ. The United Nations was well aware of this. It was the duty of the Government of Rwanda to rescue its people, and this was successfully done.

The Government of Rwanda reserves the right to submit more substantive comments on a better researched and less biased report at an appropriate time.

I should be grateful if you would kindly circulate the present letter as a document of the Security Council.

(Signed) Gideon KAYINAMURA
Ambassador
Permanent Representative
of Rwanda to the United Nations